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09/600 860

APPLICATION NO.	FILING DATE	BORIGNA	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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022850 PM92/0131
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HANSEN, J EXAMINER

2636 ART UNIT	PAPER NUMBER
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01/31/08

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/600,860

Applicant(s)

BORGNA

Examiner
JAMES O. HANSEN

Group Art Unit
3636



☒ Responsive to communication(s) filed on Jan 16, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Oct 11, 2000 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed January 16, 2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it is a list of related applications. It has been placed in the application file [and the applications noted by the examiner], but the information referred to therein has not been considered as to the merits [as far as the information is not a published document available to the public]. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1). ✓

Drawings

2. The drawings are objected to because each page includes the descriptor “feuille de ✓
remplacement (regle 26)”. Appropriate correction is required.

Specification

3. This application is informal in the arrangement of the specification. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

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Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, **each of the lettered items should appear in upper case, without underlining or bold type, as section headings**. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, the phrase "sheet of glass, or possibly plastic" is viewed as being indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. In Claims 3 & 4, the following phrase "characterized in that it", is unclear

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since one cannot establish what "it" defines. In claims 4, 7-10 & 12, use of the term "cover piece" is unclear and confusing since the language is not clearly defined in the specification [are the cover pieces part of the corner pieces or are they separate elements used together - the specification seems to use the two terms interchangeably]. The following recitations do not have proper antecedent basis: Claim 6 - "the adjacent pieces"; Claim 7 - "the adjacent cover pieces"; Claim 10 - "the chassis of an item of furniture", and "the shelf"; and Claim 12 - "the cover pieces". Claim 10 includes numerous recitations defining limitations in both alternative and accumulative language rendering the claims unclear as to what is positively being claimed. In Claim 11, the phrase "of a support panel" appears to be a double inclusion of the support panel defined in claim 1. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6, 8 & 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 582,780. EP '780 (figures 1-4) teaches of a shelf (fig. 2) for supporting items comprising: a glass support panel (50) and a plurality of plastic corner pieces (40 - two securing the rear corners of the panel as partially depicted in fig. 1) covering a respective corner of the panel; and a number of

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plastic cover pieces (viewed as 51 & 52) covering a side of the panel so far as defined and indefinite. As to claim 6, the corner piece can fit together with an adjacent cover piece so far as defined and indefinite (see fig. 4). As to claim 10, a cover piece is capable of taking one means of assembly (20) with a chassis of an item of furniture (10) so far as defined and indefinite.

8. Claims 1-8 & 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Clingman. Clingman (figures 1-6) teaches of a shelf (viewed as the upper portion of fig. 1) for supporting items comprising: a glass support panel (62) and a plurality of plastic corner pieces (76 - same as members 36) covering a respective corner of the panel; and a number of plastic cover pieces (10) covering a side of the panel so far as defined and indefinite; the corner and cover pieces alone cover the entire periphery of the panel (see fig. 1). As to claim 6, the corner piece can fit together with an adjacent cover piece via the connecting members as depicted in fig. 6. As to claims 7 & 12, the cover pieces are viewed as being the elements as depicted in fig. 6 for example, which can slide in relation to adjacent cover pieces so as to form a telescopic set of pieces so far as defined and indefinite. As to claim 10, the cover pieces defining a rim (view fig. 1) for preventing liquids from running off the shelf so far as defined and indefinite.

Allowable Subject Matter

9. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action **and to include all of the limitations of the base claim and any intervening claims.**

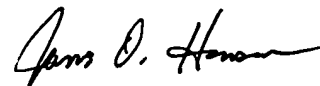
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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gutzmer, Ciprus and Gevaert et al., describe corner and cover bumpers for planar members used to support items. Bird et al., and Toronto describe refrigerator shelf assemblies.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2168. Fax numbers for Official Papers are as follows: (703) 305-3597 & (703) 305-7687. The unit fax phone number for Unofficial Papers is as follows: (703) 308-3691.



James O. Hansen
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JOH
January 29, 2001